

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKAYURY BALAKIREV and VIOLETTA
BALAKIREVA,

Plaintiffs,

v.

UR M. JADDOU, Director, United States
Citizenship and Immigration Services,

Defendant.

4:23CV3033**ORDER**

Plaintiffs Yury Balakirev (“Balakirev”) and Violetta Balakireva (together, the “plaintiffs”) filed this action (Filing No. 1) challenging the United States Citizenship and Immigration Services’s (“USCIS”) February 17, 2023 denial of Balakirev’s Form I-140 Immigrant Petition for Alien Workers (“Form I-140”) under the Administrative Procedure Act (“APA”), *see* 5 U.S.C. § 551 *et seq.* On July 10, 2024, the Court dismissed the plaintiffs’ complaint without prejudice (Filing No. 40), concluding it no longer sought review of a “final agency action” following the USCIS’s reopening and second denial of Balakirev’s Form I-140 petition. 5 U.S.C. § 704 (subjecting only “final agency action . . . to judicial review”); *see also Iowa League of Cities v. EPA*, 711 F.3d 844, 863 n.12 (8th Cir. 2013) (describing the APA’s finality requirement as an element of a cause of action, not a jurisdictional prerequisite).

Now before the Court is the plaintiffs’ “Motion For Reconsideration, or Alternatively, to Certify for Appeal Pursuant To 28 U.S.C. § 1292(b),” “Motion to Stay Deadline to File a Motion for Leave to Amend Their Complaint,” and “Motion for Leave to File Amended Complaint” (Filing Nos. 41, 43, 45). To date, defendant Ur M. Jaddou, the Director of the USCIS (the “defendant”), has not responded to any of the plaintiffs’ recent motions. The defendant should file her responses to the pending motions by August 30, 2024.

IT IS SO ORDERED.

Dated this 20th day of August 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge